

**REMARKS**

Applicant submits this Amendment with a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114. This Amendment is submitted on June 30, 2006.

Claims 1, 10, 14, 22, 30, 32 and 37 are amended to avoid the prior art cited by the Examiner. Claims 6 and 17 have been amended to correct grammatical errors. No new matter has been added by the amendments.

Claims 1-19, 21-23, and 25-37 are pending after entry of the present Amendment.

**Rejections under 35 U.S.C. § 102(e)**

Claims 1-19, 21-23, and 25-37 were rejected under 35 USC § 102(e) over Dietz (US 6,385,586). In view of the amendments, this rejection is respectfully traversed.

Claims 1, 10, 14, 22, 30, 32, and 37 have been amended using a negative limitation to exclude language translation as described by Dietz. Applicant cites to MPEP 2173.05(i) which allows the explicit exclusion of alternative elements in the claims if the alternative elements are positively recited in the specification. Support for the positive recitation of language translation can be found in the as-filed specification on page 11, lines 5-7.

Applicant maintains that there is a fundamental difference between the claimed "expression" and a "translation" as taught by Dietz. Taking the broadest interpretation or definition of translate would still not cover the claimed application of expression. Without the use of extrinsic evidence or referencing the specification, the definition of "expression", as found in the claims, cannot be covered by the term "translate" as taught by Dietz.

Furthermore, Dietz teaches to convert phrases in one language into a multitude of different languages. This is inherently different than Applicant's claimed invention because the claimed invention results in an expression while leaving the language unchanged. For

example, relying on Dietz, a phrase entered uttered in English would be translated into a different language.

Applicant's claimed invention is further distinguishable from Dietz because the content data of Applicant's claimed invention is outputted from the second computer as audio data, including the applied expression. The claimed invention results in the content data being synthesized into audio data that includes the applied expression that is to be outputted by the second computer. This is unlike what is described in Dietz. In Dietz the first computer is used to input the data. The inputted data is translated into a different language by the second computer, and the translated language is sent back to the first computer where it is either heard as audio output or displayed textually.

Applicant's claimed invention can be differentiated from the teachings of Dietz using the following example. With Dietz, one can envision a user standing on a street corner in a foreign country asking a local person how to get to the closest coffee shop. The input device, or first computer, of Dietz allows a user to speak a phrase that is sent to, and translated by, the remote second computer. The translation is sent back to the first computer so the local person can either hear or read the translated phrase. The application taught by Dietz, where the translation is sent back to the first computer, does not teach nor suggest Applicant's claimed invention. The claimed invention results in the audio data with the applied expression being audible to a user of the second computer.

Although Applicant has amended the claims to cover a specific embodiment with a negative limitation excluding language translation, the limitation is specific to this application and should not be considered limiting to any continuation application. Applicant reserves the right to file a continuation application with claims directed to language translation, at a later time, if so desired.

In view of the foregoing, after entry of the present Amendment, the application is now in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present Amendment, the Examiner is kindly requested to contact the undersigned at (408) 774-6911. If any other fees are due in connection with filing this Amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805. (Order No. SONYP009). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,  
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